

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION – COLUMBUS

FILED  
2022 AUG 11 PM 2:15  
RICHARD JONES  
CLERK OF COURT  
U.S. BANKRUPTCY COURT  
COLUMBUS, OHIO

IN RE: : CASE NO.: 19-55153  
Ona Lewis, Debtor : CHAPTER: 13  
: JUDGE: John E. Hoffman, Jr.

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**DEBTOR'S REPLY TO TRUSTEE'S RESPONSE IN OPPOSITION TO DEBTOR'S  
MOTION TO TEMPORARILY SUSPEND PLAN PAYMENTS FOR NINETY (90) DAYS**

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Now comes Ona H. Lewis, Debtor Pro Se, and hereby Replies the Trustee's Response in Opposition to Debtor's Motion to Temporarily Suspend Plan Payments for Ninety (90) Days.

The Debtor appreciates the Trustee's opposition to the full suspension of payments for 90 days. The mortgage creditor requested the Debtor pay reasonable adequate protection plan payments during the 90 day period. The Debtor agrees.

Therefore, the Debtor proposes to amend her Motion to include adequate protection plan payments or minimum payments to all four creditors; continue modify the mortgage through the Mortgage Modification Mediation (MMM) program ordered by the court on May 6, 2022, and clear the plan's funding deficiency with up to \$25,000 from a federal mortgage assistance program for which the Debtor was approved. (See Exhibit 1) The proposed amended Motion and lack of funding deficiency will comply with 11 USC §1329 will allow the Debtor to complete the plan within the existing 84 month term. The Debtor requests the Trustee's support of the above.

The MMM program includes a stay intended to allow the debtor to keep her home. Because of this stay and given the changes listed above, the Debtor requests that the Trustee refrain from her stated intention to cause Debtor's primary residence to be sold.

Additional details are included in the following Memorandum in Support.

## MEMORANDUM IN SUPPORT

### I. PRIOR PAYMENT REDUCTION/SUSPENSION DUE TO EXTRAORDINARY EVENT:

The Trustee opposed the Motion in part due to the Debtor's prior plan payment reduction and suspension. The Debtor requests that the Trustee view her prior payment reduction and suspensions in the context of the extraordinary event that contributed to them--the global financial downturn caused by the Covid 19 pandemic. It negatively affects the ability of millions of Americans to meet their financial obligations, including the Debtor.

- a. The Debtor contracted Covid 19 within six months of filing her case and continues to suffer from Long Covid.
- b. She regrets that her medical condition and the severe economic downturn of the Covid 19 pandemic caused her to need payment reductions and suspensions over 30 of the 36 months in which the Debtor's plan has been in effect.
- c. The Debtor notes that the list of prior payment suspensions presented by the Trustee did not reference the following because the court was not notified:
  - i. The Trustee's Affidavit of Default in the amount of \$21,500 was calculated using monthly payments of \$4,950 instead of \$4,650, which meant that the Debtor was not actually in default as stated. (See Exhibit 2)
    - 1. After she paid the \$21,500 the Debtor brought to the error to the Trustee's attention and her account was corrected, but the court records were not updated.
  - ii. The Debtor cancelled the mortgage creditor's Covid forbearance because it overlapped an agreed order for a 90 day payment suspension. The court records were not updated. (See Exhibit 3)
- d. Excluding i and ii above, the Debtor's prior modifications consist of one payment

reduction, one plan extension and two 90 day plan payment suspensions—all Covid related.

## II. SUBSTANTIAL PAYMENTS MADE INTO HER PLAN DESPITE PAYMENT

SUSPENSIONS: Despite the Covid modifications, the Debtor has paid \$101,550 in to her \$138,420.35<sup>1</sup> plan over the past three years.

- a. The Trustee is currently holding \$9,368.84 of the Debtor's plan payments in cash on hand in her account. (See Trustee Case Profile Exhibit 4.)
- b. The Debtor has paid her mortgage lender \$59,280.18 through the plan for its \$105,892.49 claim. (See Trustee Payee Summary Exhibit 5.)
- c. She has paid auto lender First Investors \$22,765.48 against its \$22,831.25 claim. The auto lender's balance is only \$3,254.29.
- d. The Debtor's only other creditors are the priority creditor, RITA whom it owes \$5,866.33 and \$10.51 to an unsecured creditor.<sup>2</sup>

III. PAYMENT OF PLAN FUNDING DEFICIENCY PENDING: The Debtor has also been approved for the HAF federal mortgage assistance program that will pay up to \$25,000 to bring her past due mortgage payments current. This process will clear up the Debtor's funding deficiency and reduce the number of months the plan is projecting to within the 84 month term.

IV. DELAYS IN COMPLETING THE MMM: The abrupt withdrawal of the Debtor's attorney and the unexpected deletion of most of the documents needed to complete the MMM from the MMM portal (see Exhibit 6) have delayed the completion of the MMM by roughly 90 days.

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<sup>1</sup> According to the Trustee's Payee Summary

<sup>2</sup> These figures are based on the Trustee's attached Payee Summary as of 8-10-22.

- a. The Debtor is diligently seeking other legal counsel but has been unable to secure representation at this time.
- b. As a result, she is working hard to replace the documents (which were returned to her by the portal manager) and complete the MMM mortgage modification in a timely manner on a pro se basis.
- c. Once the mortgage modification is completed, the Debtor will permanently reduce her \$4,650 monthly plan payment to a more reasonable amount closer to the mortgage creditor's \$2,505 minimum monthly payment.
- d. Completion of the mortgage modification will also allow the Debtor to complete the plan within the prescribed 84 month term, thereby complying with 11 USC §1329.

V. ESTIMATED REASONABLE ADEQUATE PROTECTION PLAN PAYMENTS: In its Objection, the mortgage creditor requested “...*a minimum plan payment to cover the conduit mortgage. Alternatively, Creditor requests a reasonable adequate protection plan payment to be made during requested months.*”

- a. The Debtor agrees to pay a reasonable adequate protection plan payment during the requested months and will amend her Motion to reflect this amount pursuant to 11 USC §1329.
- b. On May 12, 2022, the Trustee notified the Debtor by email that from her: “...*the Mortgage Modification Mediation program (MMM) provides for adequate protection payments for the mortgage creditor in the amount of \$2,050 to be held by the Trustee pending further order of the Court.*” (See Exhibit 7.)
- c. The Debtor proposes amend her Motion to include:

\$2,050.00	Mortgage Creditor's Adequate Protection Payment as Calculated by Trustee
\$230.00	Existing Adequate Protection Payment

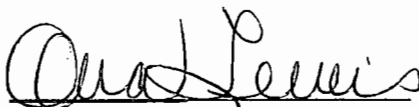
\$100.00	Proposed Minimum Monthly Payment to Priority Creditor
\$3.50	Proposed Minimum Monthly Payment to Unsecured Creditor
\$143.01	Trustee's 6% Fee
\$2,526.51	Total Estimated Monthly Payment for Amended Motion

- d. The proposed amended Motion will provide adequate protection plan payments or minimum monthly payments to all four creditors estimated \$2,526.51 for the 90 day period, instead of the current \$4,650 per month and much needed monthly savings to the Debtor of \$2,123.49.

VI. PLAN PAYMENTS WITHHELD BY TRUSTEE: The Debtor understands that the Trustee may continue to withhold payment from her creditors while the MMM modification is being processed should the proposed amended Motion be granted due to the Trustee's policy not to pay creditors since the MMM was ordered on May 6, 2022.

In conclusion, the Debtor thanks the Trustee in advance for her patience during these extraordinary circumstances. The Debtor requests the Trustee's support of her plans to modify her mortgage, pay her funding deficiency, and reduce the plan payments to a more reasonable level, complete the plan within the agreed 84 month time frame (or refinance to pay off the case early), in accordance with 11 USC §1329.

Respectfully Submitted,



Ona H. Lewis, Debtor Pro Se  
5820 Triplett Square  
New Albany, OH 43054  
Phone: (614) 374-2874  
Email: onalewis777@gmail.com



Mike DeWine Governor of Ohio | Shawn Smith Executive Director  
57 East Main Street | Columbus OH 43215

Date: July 26, 2022

Exhibit 1

To: Ona Lewis (Homeowner)

5820 Triplett Square

New Albany, OH 43054

RE: HAF Income-Eligible Homeowner Letter

The Ohio Housing Finance Agency has determined that the above Homeowner(s) meets the criteria of income eligibility to receive assistance from the Homeowner Assistance Funds Save the Dream Ohio program. **Please note income eligibility will expire on October 25, 2022 (the "Expiration Date").** If the Homeowner is still seeking assistance after the Expiration Date, the Homeowner's income must be reviewed again in order to be recertified.

**SAVE THE DREAM OHIO**  
*Help for Homeowners*

**Mortgage Assistance  
Program Policy Guidelines**

### **Program Overview**

The American Rescue Plan Act included the Homeowner Assistance Fund, which was created to prevent homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship after January 21, 2020. The Ohio Housing Finance Agency (OHFA), as the state agency responsible for administering HAF funds, created Mortgage Programs under the Save the Dream (SDO) banner to provide payment to mortgage servicers on behalf of eligible homeowners to bring delinquencies current and/or pay forward up to six monthly mortgage payments up to a combined maximum assistance of \$25,000. The Mortgage Program assistance is in the form of a forgivable loan that must be repaid if the recipient violates the terms of the program and homeowners must sign a Promissory Note.



O L <onalewis777@gmail.com>

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**Account 19-55153**

4 messages

*Exhibit 2*

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**Ona Lewis** <onalewis777@gmail.com>  
To: natalie.obrien@ch13columbus.com

Wed, Aug 18, 2021 at 12:54 PM

Hi Natalie,

I hope all is well. Would you please adjust my account 19-55153 to reflect the \$4,650 monthly payment that was effective since last August, 2020?

Also, would you please return the total of the overpayments to me in the form of a check ASAP?

My monthly payments were reduced to \$4,650 from \$4,950 in my August, 2020 Agreed Order.

Yet, the 13network does not show the accurate monthly payment required of \$4650.

This means I wasn't four months past due as stated in the Trustee's June, 2021 Affidavit of Default.

Would you (or whomever filed the Affidavit of Default) please file a Notice to the Court for the record and to make sure my creditors are aware of it?

Thank you in advance for your assistance in this matter.

Best regards,

Ona Lewis

Sent from my iPhone

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**Shannon L. Cherry** <shannon.cherry@ch13columbus.com>  
To: "onalewis777@gmail.com" <onalewis777@gmail.com>  
Cc: Natalie O'Brien <natalie.obrien@ch13columbus.com>

Wed, Sep 1, 2021 at 4:13 PM

Ms. Lewis,

We have adjusted our system to reflect the payment amount of \$4,650 to begin in September 2020, because the Motion did not state a particular month our policy is for any payment changes to be effective in the month the Order is entered – in this case that was September 14, 2020.

You are currently overpaid by \$350, but the Trustee will not refund to you without an Order of the Court – you could just make a payment of \$4,300 this month to offset the small overpayment.



Exhibit 3

O L <onalewis777@gmail.com>

**Re: Attn: Kerri N. Bruckner - Request to Withdraw Motion for CARES ACT  
Forbearance - Case 19-55153 Loan # 3168**

1 message

Ona Lewis <onalewis777@gmail.com>

Tue, Feb 8, 2022 at 11:52 PM

To: logsecf@logs.com

Cc: Shannon Cherry of Ch13 Faye English <shannon.cherry@ch13columbus.com>

Dear Kerri,

>

>

> I hope this message finds you well. I appreciate your offer but would you please withdraw your Motion for the three month Cares Act Forbearance?

>

> We already have an overlapping three month Cares Act suspension in payments currently in effect.

>

> Therefore, your Forbearance (for which over one month has already expired) isn't needed.

>

> Thank you in advance for expediting this matter.

>

> Best regards,

>

> Ona Lewis, Pro Se

> 5820 Triplett Square

> New Albany, OH 43054

> 614-374-2874

> onalewis777@gmail.com

>

>

>



## PRINT INQUIRY

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19-55153

Ona H. Lewis (xxx-xx-0818)

5820 Triplett Square • New  
Albany • OH • 43054

\$4,650.00 MO	Bar Date(s):	10/10/2010 (has passed) 2/5/2020 (has passed)
	Confirmed:	11/1/2019
	Case Status:	ACTIVE

Trustee: Faye D. English

Attorney: PRO SE DEBTOR

## Case Profile

Case Administrator	Natalie OBrien
Balance on Hand	\$9,368.84
Last Receipt Date	Tuesday, June 28, 2022
Last Receipt Amount	\$4,650.00
Last Disburse Date	Monday, May 2, 2022
341 Meeting Date	Wednesday, September 25, 2019 10:00 AM
Date Petition Filed	Friday, August 9, 2019
Total Paid Into the Plan	\$101,550.00
Total Disbursed	\$92,181.16
Attorney Payee / Level	PRO SE DEBTOR / 18
Judge	John E. Hoffman Jr.
Plan Terms	0
Months Remaining (Calculated - may not be accurate)	72 (105 from Confirmation)
Percent to Unsecureds	2.000%
Bar Check Status	Yes
Disburse Flag	Yes
Months Since Confirmation	33
Months Since Petition Filed	36

Exhibit 4

## CASE DETAIL

Debtor Type	Individual
Trustee's Percentage	6.00%
Total Paid to Trustee	\$6,830.50
Permanent Hold	\$0.00
Temporary Hold	\$0.00
Unsecured Interest	0.00%
Attorney Percentage	0.00%
Attorney Pay Level For Percentage	0

## CODES AND FLAGS

Region	2 - Columbus, Region B
District	1 - Southern District of Ohio
Division	1 - Eastern Division
Tax Return Required	Y
84 Month Plan (Blank or 'N' = No / 'Y' = Yes)	Y

## DEBTOR1 - ONA H. LEWIS

Address 1	5820 Triplett Square
Address 2	
City, State	New Albany OH
Zip Code	43054-0000
Phone	614-374-2874
SSN	xxx-xx-0818
AKA	
DBA	

## DEBTOR2 -

Address 1	
Address 2	
City, State	
Zip Code	
Phone	
SSN	
AKA	
DBA	

## DATES AND TIMES

Plan Filed Date	
Petition Filed Date	Friday, August 9, 2019
First Meeting Date	Wednesday, September 25, 2019 10:00 AM
First Payment Due Date	Sunday, September 8, 2019
Confirmation Hearing Date	Tuesday, October 15, 2019 1:00 PM
Date Case Confirmed	Friday, November 1, 2019
Show Cause Date	
Probation Date	
Last Letter Date	
Closed Date	
Cleared Date	
Claims Bar Date	Friday, October 18, 2019
Attachments Deadline	Monday, December 9, 2019
Governmental Bar Date	Wednesday, February 5, 2020
6 Month Review	Monday, May 4, 2020
Financial Management Cert Filed	Friday, February 28, 2020
24 Month Review Date	Friday, October 8, 2021
Misc. Hearing Date	Thursday, September 8, 2022 2:00 PM

## ADDITIONAL AMOUNTS

Non Ex Equity	\$1,275.96
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## DEBTOR PAY SCHEDULE

Ona H. Lewis paying \$4,650.00 MONTHLY
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## Parties for this Case

TYPE	Name	Address 1	City	State	Zip	Short Cut	IC
DEBTOR1	Ona H. Lewis	5820 Triplett Square	New Albany	OH	43054		
DEBTOR2					00000		
ATTORNEY	KATHERINE B BREWER ESQ	WOOD & BREWER LLC	WORTHINGTON	OH	43085		

## PRINT INQUIRY

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19-55153	Ona H. Lewis (xxx-xx-0818)	5820 Triplett Square • New Albany • OH • 43054	\$4,650.00 MO	Bar Date(s): 10/10/2019 (has passed) 2/5/2020 (has passed)
	Trustee: Faye D. English	Attorney: PRO SE DEBTOR	Confirmed: 11/1/2019	Case Status: ACTIVE

## Payee Summary

Number of Claims	15
Total Amount Claimed	\$138,420.35
Total Amount Scheduled	\$169,339.48
Total Principal Paid	\$82,375.02
Total Principal Owed	\$114,810.74
Total Principal Due	\$27,279.09
Total Interest Paid	\$2,975.64
Total Interest Due	\$212.88

Exhibit 5

## Claim Breakdown

	Priority	Secured	Unsecured	Other
Claimed	\$8,876.33	\$129,018.74	\$525.28	
Scheduled	\$9,298.03	\$121,650.00	\$38,391.45	
Principal Paid	\$3,010.00	\$79,365.02	\$0.00	
Principal Owed	\$5,866.33	\$108,933.90	\$10.51	
Principal Due	\$0.00	\$27,279.09	\$0.00	
Interest Paid	\$0.00	\$2,975.64	\$0.00	
Interest Due	\$0.00	\$212.88	\$0.00	
Monthly Payment	\$0.00	\$2,735.00	\$0.00	
Collateral	\$0.00	\$0.00	\$0.00	

## Claims Listing

Name (Acct)	Clm#	Filed	Date	Type	Level	Mo Pymt	Prin Paid	Prin Owed	Clm Amt	Schd Amt	% Paid	Rsv	Int Rate	Int Paid	Int Due	Cont Flag	No Cost	No Chk	Rsv Flag	Spc Flag	Stop Disb	Prin Due
IFA OLIVE LLC (191)	9	✓	CLAIM WITHDRAWN	V	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				\$0.00	\$0.00							\$0.00
COLLINS APPRAISAL COMPANY LLC	10	✓	ADMINISTRATIVE EXPENSE	A	15	\$0.00	\$295.00	\$0.00	\$295.00	\$0.00	100.00%			\$0.00	\$0.00							\$0.00
UB BANK NATIONAL ASSOCIATION (3159)	4	✓	MORTGAGE	M	21	\$2,505.00	\$59,280.18	\$0.00	\$0.00	\$0.00				\$0.00	\$0.00	Y		Y				\$24,646.66
PILOT INVESTORS (TRADING CORPORATION) (0819)	1	✓	SECURED-PH61	P	22	\$230.00	\$19,709.84	\$3,041.41	\$22,031.25	\$23,050.00	86.60%		7.00%	\$2,075.64	\$212.88							\$2,630.43
UB BANK NATIONAL ASSOCIATION (3159)	5	✓	PRE-PET MTG ARREARS	E	24	\$0.00	\$0.00	\$105,892.49	\$105,892.49	\$96,600.00				\$0.00	\$0.00			Y				\$0.00
REGIONAL INCOME TAX AGENCY (KANSAS ARDNC)	6	✓	PRIORITY	P	24	\$0.00	\$0.00	\$5,866.33	\$5,866.33	\$6,268.03				\$0.00	\$0.00							\$0.00
City of New Albany (4899)	2		UNSECURED	U	33	\$0.00	\$0.00	\$0.00	\$0.00	\$3,391.42				\$0.00	\$0.00			X				\$0.00
Specialized Loan Servicing	3		UNSECURED	U	33	\$0.00	\$0.00	\$0.00	\$0.00	\$35,000.00				\$0.00	\$0.00			X				\$0.00
Regional Income Tax Agency	7		UNSECURED	U	33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.03				\$0.00	\$0.00			X				\$0.00
QUANTUM3 GROUP LLC (4334)	8	✓	UNSECURED	U	33	\$0.00	\$0.00	\$10.51	\$525.28	\$0.00				\$0.00	\$0.00							\$0.00

## Attorney Listing

Name	Description	Level	Fee In Plan	Fee Paid Outside	Fee Paid to Date	Initial Amount	Monthly Payment	Fee Remaining
PRO SE DEBTOR	ATTORNEY FEE	18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
KATHERINE B DREWLE ESQ	PRIOR ATTORNEY	18	\$3,010.00	\$690.00	\$3,010.00	\$0.00	\$0.00	\$0.00
PRO SE DEBTOR	PRIOR ATTORNEY	18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
MICHAEL RYAN JONES ESQ	PRIOR ATTORNEY	18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

## Clerk Fees Listing

Name	Description	Level	Fee In Plan	Fee Paid Outside	Fee Paid to Date	Fee Remaining
Faye D. English	NOTICE FEE	1	\$0.00	\$0.00	\$0.00	\$0.00

## Debtor Refund

Name	Description	Level	Refund Amount	Amount Paid	Amount Owed
Ona H. Lewis	DEBTOR REFUND	0	\$0.00	\$0.00	\$0.00

## Claim Payout

Creditor Type	Cost	No Cost	SubTotal	Trustee	Total	Balance on Hand	\$9,368.84
Notice / Filing Fees						Total Paid In	\$101,550.00
Secured	\$106,303.47		\$106,303.47	\$6,785.33	\$113,088.80	Total Disbursed	\$92,181.16



Exhibit 6

O L <onalewis777@gmail.com>

## Next Steps

Ona Lewis <onalewis777@gmail.com>  
To: Joe Smith <jsmith@defaultmitigation.com>

Mon, Jul 11, 2022 at 4:38 PM

Hi Joe,

Is there any way you can put my original docs (that I uploaded and that don't have MJ's name on them) back on the portal?

Thanks so much,

Ona



O L <onalewis777@gmail.com>

## Next Steps

Joe Smith <jsmith@defaultmitigation.com>  
To: Ona Lewis <onalewis777@gmail.com>

Tue, Jul 12, 2022 at 9:06 AM

Yes, but it will have to wait until Monday as I am on vacation this week and do not have them with me. Joe

From: Ona Lewis <onalewis777@gmail.com>  
Sent: Monday, July 11, 2022 4:38 PM  
To: Joe Smith <jsmith@defaultmitigation.com>  
Subject: Re: Next Steps

[Quoted text hidden]

*The docs were returned to Debtor instead.*

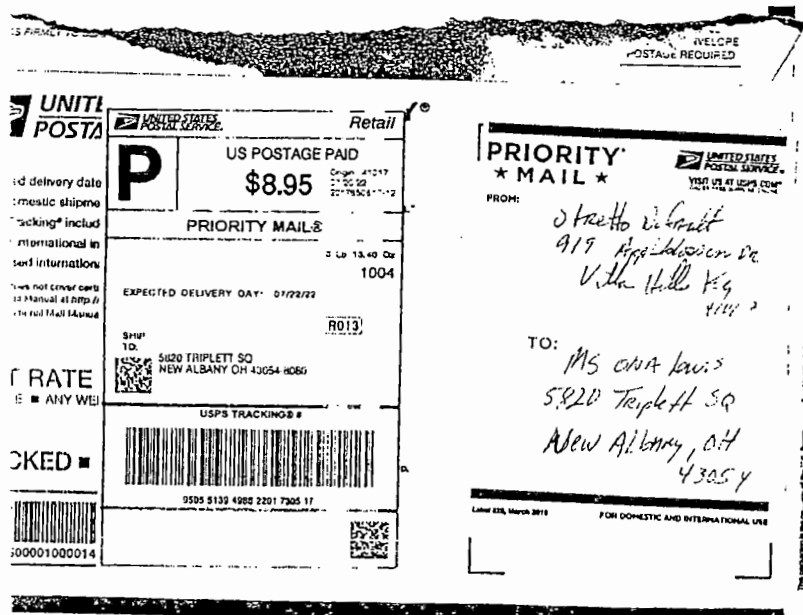




Exhibit 7

O L <onalewis777@gmail.com>

## Case 19-55153 New Monthly Payment

Tina Barga <tina.barga@ch13columbus.com>  
To: "onalewis777@gmail.com" <onalewis777@gmail.com>  
Cc: "Shannon L. Cherry" <shannon.cherry@ch13columbus.com>

Thu, May 12, 2022 at 1:34 PM

Mr. Lewis:

Please note the Order entered 5/6/2022 Doc #70 grants the parties to participate in the Mortgage Medication Modification Program (MMM). The MMM program does not change your monthly plan payment. Your plan payment remains the same at \$4,650.00. From your monthly plan payment, the MMM provides for adequate protection payments for the mortgage creditor in the amount of \$2,050.00 to be held by the Trustee pending further order of the court.

You may find the full "MMM" procedures on the court's website at <https://www.ohsb.uscourts.gov/content/columbus> under the Rules and Forms tab.

Thank you.

Tina Barga CP  
Manager of Operations  
Office of the Chapter 13 Trustee Faye D English  
One Columbus  
10 West Broad Street, Suite 1600  
Columbus Ohio 43215-3419  
Phone 614-420-2555 Ext.1606  
Fax 614-420-2566  
[www.ch13columbus.com](http://www.ch13columbus.com)  
[tina.barga@ch13columbus.com](mailto:tina.barga@ch13columbus.com)

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Debtor's Reply to Trustee's Response in Opposition to Debtor's Motion to Temporarily Suspend Plan Payments for Ninety (90) Days* was served on the date of filing by ordinary U.S. Mail on August 11, 2022 on all participants registered in this case:

Faye D. English Noticing Fees Chapter 13 Trustee One Columbus 10 W. Broad Street, #1600 Columbus, OH 43215	Mathew Murtland, Esq Shapiro, Van Ess, Phillips & Barragate LLP 4805 Montgomery Road, Suite 320 Norwood, OH 45212
Regional Income Tax Agency Attn: Legal Department PO Box 470537 Broadview Heights, OH 44147	US Bank PHH Mortgage Services MAILSTOP SBRP PO BOX 5469 Mt. Laurel, NJ 08054 BKTrusteeQueries@ocwen.com
City of New Albany % Rita 99 W. Main Street New Albany, OH 43054	Tea Olive LLC PO Box 1931 Burlingame, CA 94011
1st Investors Servicing Corporation 380 Interstate North Parkway #300 Atlanta, GA 30339	Synchrony Bank, % PRA Receivables Management, LLC PO Box 41021 Norfolk, VA 23541-1021
Quantum3 Group LLC As Agent for ACE Cash Express PO Box 788 Kirkland, WA 98083	Reisenfeld & Associates 3962 Red Bank Road Cincinnati, OH 45227

